

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/26/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 JANET GONZALEZ, Individually and as :
 Administratrix of the Estate of :
 JUAN ANTONIO DELGADO :

Docket No: 1:24-cv-09723-AT

Plaintiff, :

- against - :

ORDER OF COMPROMISE

UNITED STATES OF AMERICA :

Defendant. :
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UPON the filing by Plaintiff of a motion to the United States District Court for the Southern District of New York, for an Order, pursuant to Rule 83.2(b) of the *Local Civil Rules of the Southern and Eastern Districts of New York*, and Section 5-4.6 of the New York Estates, Powers and Trust Law, approving the settlement of the within action for the total sum of FOUR HUNDRED THOUSAND and 00/100 (\$400,000.00) DOLLARS, said sum to be paid by the Defendant UNITED STATES OF AMERICA,

AND, upon the annexed affidavit of Plaintiff JANET GONZALEZ the Administratrix of the Goods, Chattels and Credits of JUAN ANTONIO DELGADO deceased, sworn to the 14th day of January, 2025; and upon reading and filing the Affirmation of Seth D. Bader, Esq., attorney for the Plaintiff herein, affirmed the 21st day of January, 2025 in support of the motion for and Order compromising the within action,

AND, the Court having approved said attorneys' fees and disbursements in said action;

AND, it appearing further that the Plaintiff is willing to accept the settlement sum and the Defendant is willing to pay the same after execution and entry of an Order of Compromise,

NOW, on all papers and proceeding heretofore had herein, and after due deliberation

thereon, it is hereby

ORDERED, that pursuant to Rule 83.2(b) of the *Local Civil Rules of the Southern and Eastern Districts of New York* and Section 5-4.6 of the New York Estates, Powers and Trust Law, Plaintiff JANET GONZALEZ, as Administratrix herein, be and hereby is authorized and empowered to settle and compromise the cause of action for the decedent's ESTATE for the total sum of FOUR HUNDRED THOUSAND (\$400,000.00) DOLLARS, said sum to be paid by Defendant UNITED STATES OF AMERICA within thirty (30) days after execution and entry of this Order of Compromise and the delivery to counsel for Defendant, of documents necessary to consummate the settlement and obtain the proceeds thereof as set forth herein, and it is further,

ORDERED, that the Plaintiff is hereby permitted to execute and deliver to counsel for Defendant, a Stipulation of Compromise Settlement and General Release, W-9 Form executed by Plaintiff's counsel, and Stipulation of Dismissal with Prejudice and any other documents necessary to consummate settlement and obtain the proceeds thereof to effectuate the settlement herein, and it is further,

ORDERED, that the Plaintiff's attorneys fees and disbursements are hereby fixed and allowed as follows: FIVE THOUSAND FOUR HUNDRED AND EIGHT and 37/100 (\$5,408.37) DOLLARS for reimbursement of costs and disbursements incurred in the prosecution of this case and a legal fee in the sum of SEVENTY EIGHT THOUSAND, NINE HUNDRED and EIGHTEEN and 33/100 (\$78,918.33) DOLLARS to Plaintiff's counsel, BLOOMBERG, STEINBERG & BADER for their legal services and disbursements rendered in accordance with the retainer agreement; and it is further,

ORDERED, that pursuant to Section 5-4.6(a)(1) of the New York Estates, Powers and

Trust Law, Plaintiff's counsel BLOOMBERG, STEINBERG & BADER is hereby permitted to collect the balance of the proceeds of the settlement remaining after the payment of the attorneys' fees and disbursements, in the sum of 315,673.30 and to deposit same in an interest bearing escrow account for the benefit of the decedent's Estate pending a further Decree from the Surrogate's Court in regard to the maintenance, allocation and distribution of said funds, and it is further,

ORDERED, that upon submission to this Court of proof of submission of a petition for allocation and distribution in the Surrogate's Court on behalf of the decedent's estate, Plaintiff's attorneys may draw a check out of the settlement proceeds being held in the aforesaid escrow account, in the sum of \$84,326.70, the full amount of the attorneys' fees and disbursements, and it is further,

ORDERED, that pursuant to Section 5-4.6(a)(3) of the New York Estates, Powers and Trust Law, Plaintiff's counsel BLOOMBERG, STEINBERG & BADER shall continue to serve as attorney for the Estate until the entry of a final Decree in the Surrogate's Court; and it is further,

ORDERED, that the giving of a Bond, or other security, in connection therewith, be dispensed with.

SO ORDERED.

Dated: February 26, 2025
New York, New York



ANALISA TORRES
United States District Judge